

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PERCY LAVAE BACON,) 2:11-CV-00900-KJD-GWF
Plaintiff,)
vs.) **ORDER**
DAVID ROGER, *et al.*,)
Defendants.)

Before the Court for consideration is Defendant David Roger, Clark County District Attorney's fully briefed Motion to Dismiss Plaintiff's Complaint (Doc. #5). The Court finds that for the reasons set forth in Defendant Roger's Motion, Defendant Roger is entitled to the relief requested.

As argued in Defendant Roger’s Motion, Plaintiff’s civil rights claims now before the Court attempt to collaterally attack his criminal conviction or sentence through a civil lawsuit against the prosecutor. Taking the allegations set forth in Plaintiff’s Complaint as true, Plaintiff fails to state a claim for relief because Defendant Roger, as District Attorney of Clark County, Nevada, has absolute prosecutorial immunity from suit for his conduct as prosecutor in Plaintiff Bacon’s underlying criminal case.

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1 **IT IS THEREFORE ORDERED** that Defendant David Roger, Clark
2 County District Attorney's Motion to Dismiss (Doc. #5) is **GRANTED**, and that the
3 Clerk of Court shall forthwith enter judgment in favor of Defendant David Roger,
4 Clark County District Attorney, and against Plaintiff Percy Bacon.

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6 DATED: August 16, 2011.



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9 PHILIP M. PRO
United States District Judge

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